

Message Text

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ORIGIN DLOS-05

INFO OCT-01 NEA-09 ISO-00 L-02 DODE-00 USIE-00 FEA-01

ACDA-05 AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00

CIEP-01 OFA-01 COME-00 DOTE-00 EB-07 EPA-01 ERDA-05

FMC-01 H-02 INR-07 INT-05 IO-10 JUSE-00 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-03 PRS-01 SP-02

SS-15 INRE-00 SSO-00 NSCE-00 /107 R

DRAFTED BY D/LOS:OESKIN:MZ

APPROVED BY D/LOS - JOHN NORTON MOORE

NEA - MR. SOBER

L/OES - MR. LETIZELL

NEA/ARN - MR. DEAN

DOD - MR. FRENCH

NEA/RA - MR. PADELFORD

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FM SECSTATE WASHDC

TO AMEMBASSY AMMAN IMMEDIATE

C O N F I D E N T I A L STATE 053758

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LAW OF THE SEA

REF: AMMAN 1027, 1668

1. WE APPRECIATE EMB BRIEFING OF DEL ON LOS ISSUES. EMB REQUESTED TO RAISE LOS QUESTION WITH DR. SADI AND MAKE FOLLOWING POINTS:

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(A) THE MAJOR ISSUES FOR THE LOS CONFERENCE CONCERN

BREADTH OF THE TERRITORIAL SEA, PASSAGE OF STRAITS, RIGHTS AND DUTIES OF THE COASTAL STATES IN A 200-MILE ECONOMIC ZONE, ESTABLISHMENT OF AN INTERNATIONAL ORGANIZATION CONCERNED WITH DEVELOPMENT OF DEEP SEABED MINERALS, MARINE POLLUTION, FREEDOM OF SCIENTIFIC RESEARCH IN THE OCEANS AND MACHINERY FOR PEACEFUL SETTLEMENT OF DISPUTES. THERE ARE, OF COURSE, A LARGE NUMBER OF OTHER IMPORTANT SUBJECTS BUT THESE ARE ISSUES WHICH HAVE DOMINATED THE NEGOTIATIONS THUS FAR.

(B) GENEVA CONFERENCE IS THE RESULT OF OVER 5 YEARS INTENSIVE PREPARATION IN THE UN SEABED COMMITTEE AND THE ORGANIZATIONAL AND FIRST SUBSTANTIVE SESSION OF THE LOS CONFERENCE. WE BELIEVE THAT IT IS NECESSARY TO MAKE MAJOR

PROGRESS AT SECOND SUBSTANTIVE SESSION IN GENEVA IF WE ARE TO ACHIEVE A COMPREHENSIVE OCEANS TREATY WHICH CAN HAVE BROAD SUPPORT FROM ALL REGIONS AND WHICH WILL MEET THE VITAL CONCERNS OF ALMOST ALL NATIONS. WE BELIEVE MEANINGFUL PROGRESS CAN BE MADE AT THIS SESSION. HOWEVER, IT WILL REQUIRE POLITICAL DECISIONS BY PARTICIPATING NATIONS TO NEGOTIATE ACTIVELY FOR A GENUINE ACCOMMODATION.

(C) THERE IS NEAR CONSENSUS IN THE NEGOTIATIONS IN SUPPORT OF A TERRITORIAL SEA WITH A MAXIMUM BREADTH OF 12 MILES CONTINGENT UPON A SATISFACTORY TRANSIT REGIME FOR STRAITS OVERLAPPED BY SUCH EXTENSION, PLUS A 200-MILE ECONOMIC ZONE ALTHOUGH THERE IS NOT AGREEMENT ON THE SUBSTANTIVE CONTENTS OF THE ECONOMIC ZONE.

(D) THIS QUESTION OF PASSAGE THROUGH AND OVER INTERNATIONAL STRAITS IS AMONG THE MOST CRITICAL ELEMENTS IN THE NEGOTIATIONS. WITH THE EXTENSION OF THE TERRITORIAL SEA TO 12 MILES, OVER 100 INTERNATIONAL STRAITS WOULD BE OVERLAPPED BY THE TERRITORIAL SEA OF ONE OR MORE STATES. STATES DEPENDENT UPON MARITIME COMMUNICATIONS CANNOT ACCEPT APPLICATION OF THE REGIME OF INNOCENT PASSAGE IN INTERNATIONAL STRAITS AS THIS WOULD NOT PERMIT SUBMERGED TRANSIT OR OVERFLIGHT AND SOME STATES MIGHT WISH TO IN-

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TERPRET INNOCENT PASSAGE SUBJECTIVELY SO AS TO RESTRICT CERTAIN TYPES OF VESSELS IN TRANSIT. THE U.S. AND OTHER MARITIME STATES HAVE PROPOSED THE CONCEPT OF UNIMPEDED TRANSIT WHICH WOULD GUARANTEE RIGHT OF TRANSIT THROUGH, OVER AND UNDER INTERNATIONAL STRAITS. YOU SHOULD STRESS THAT EMBODIMENT OF RIGHT OF UNIMPEDED TRANSIT IN TREATY IS CRITICAL TO SUCCESS OF CONFERENCE. U.S. COULD NOT ACCEPT REGIME FOR STRAITS WHICH WOULD IMPOSE RESTRICTIONS

SUCH AS NOTIFICATION OR CONSENT FOR SUBMERGED TRANSIT, SURFACE TRANSIT FOR VESSELS OR OVERFLIGHT FOR AIRCRAFT, INCLUDING MILITARY VESSELS. WE HOPE THAT JORDAN WILL BE ABLE TO SUPPORT THIS APPROACH.

(E) FYI JORDAN IS CLEARLY DEPENDENT FOR MARINE TRANSPORTATION ON PASSAGE THROUGH STRAITS OF BAB EL MANDEB AND THUS, IN PRINCIPLE, SHOULD SUPPORT UNIMPEDED TRANSIT REGIME. YOU SHOULD BE AWARE THAT MOST ARAB STATES (WITH THE EXCEPTION OF SOUTH YEMEN AND MOROCCO WHICH ARE QTE STRAIT STATES UNQTE) HAVE BEEN SYMPATHETIC WITH U.S. STRAITS OBJECTIVES. HOWEVER, ARAB STATES HAVE BEEN CONCERNED ABOUT THE APPLICABILITY OF REGIME TO STRAIT OF TIRAN. U.S. DEL TO CARACAS CONFERENCE DISCUSSED THIS ISSUE IN DETAIL WITH EGYPTIAN, SAUDI AND KUWAITI REPS AND ATTEMPTED TO WORK OUT A FORMULA WHICH WILL MEET ARAB

CONCERNS ON THIS POINT WHILE AT THE SAME TIME NOT PREJUDICING ISRAELI POSITION. WE HAVE SUGGESTED THAT UNIMPEDED TRANSIT NOT APPLY TO STRAITS LINKING HIGH SEAS TO TERRITORIAL SEA (I.E. TIRAN). INITIAL ARAB STATE REACTION IN CARACAS SEEMED TO BE FAVORABLE. WE DO NOT SUGGEST THAT YOU AISE TIRAN ISSUE BUT IF GOJ REPS EXPRESS CONCERN ON THIS POINT, YOU SHOULD INDICATE THAT U.S. IS AWARE OF THIS PROBLEM AND IS WORKING OUT A SOLUTION WITH THE ARAB STATES. YOU SHOULD ALSO STATE THAT THE U.S. DEL WOULD LIKE TO MEET WITH REPS OF JORDAN AT BEGINNING OF THE GENEVA SESSION TO DISCUSS THIS ISSUE AS WELL AS OTHER MATTERS OF MUTUAL CONCERN.

2. JOHN NORTON MOORE, CHAIRMAN, NSC INTERAGENCY TASK FORCE ON THE LAW OF THE SEA AND DEPUTY SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR THE LAW OF THE SEA
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CONFERENCE LOOKS FORWARD TO TALKS AND WILL CONTACT JORDANIAN REP.

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